THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27983 of 1995

05.12.2006

Between:

V.Ramaswamy, S/o.Lingaiah
And another
... Petitioners

AND

The Secretary to Government of Andhra Pradesh,
Irrigation & Power (Projects Wing), Secretariat, Hyderabad
And others
... Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

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ORDER:

The petitioners assail some conditions in the Government Order being G.O.Ms.No.1307, dated 23.12.1993. By the said G.O., the Government ordered payment of ex-gratia amount while clarifying that the assignees would not be entitled to claim the benefits under Section 28-A of the Land Acquisition Act, 1894 (the Act, for brevity), to claim interest under Section 23(2) of the Act or seek reference under Section 18 of the Act. These clauses are assailed in the writ petition.

A Full Bench of seven Judges this Court in **LAO-cum-RDO v Mekala Pandu**[1] considered the earlier Full Bench decisions in **State of A.P. v P.Peda Chinnayya**[2] and **State of A.P. v Bondapalli Sanyasi**[3] and held as follows.

> In the circumstances, we hold that the assignees of the government lands are entitled to payment of compensation equivalent to the full market value of the land and other benefits on par with full owners of the land even in cases where the assigned lands are taken possession of by the State in accordance with the terms of grant or patta, though such resumption is for a public purpose. We further hold that even in cases where the State does not invoke the covenant of the grant or patta to resume the land for such public purpose and resorts to acquisition of the land under the provisions of the Land Acquisition Act, 1894, the assignees shall be entitled to compensation as owners of the land and for all other consequential benefits under the provisions of the Land Acquisition Act, 1894. No condition incorporated in patta/deed of assignment shall operate as a clog putting any restriction on the right of the assignee to claim full compensation as owner of the land.

In view of the same, the petitioners would be entitled to claim compensation as and when their lands are resumed for public purpose in accordance with the decision in **Mekala Pandu** (supra). It is brought to the notice of this Court that the Government preferred appeal against the decision in **Mekala Pandu** (supra) and, therefore, Mandamus issued shall be subject to the result of the Civil Appeal before the Supreme Court.

The writ petition is accordingly disposed of. No costs.

December 05, 2006 (**V.V.S.RAO, J**)
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[1] 2004(2) ALD 451 (LB)

[2] 1996(2) ALD 1215 (FB) = 1997(1) ALT 498 (FB)

[3] 2002(2) ALD1 = 2002(1) ALT 543 (LB)